

**Senate Study Bill 1100 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON GARRETT)

**A BILL FOR**

1 An Act relating to the disposal or return of certain notices  
2 and certificates filed or recorded during certain periods of  
3 time.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.609, subsections 5 and 6, Code 2017,  
2 are amended to read as follows:

3 5. a. Filing or recording officers with whom notices  
4 of federal tax liens, certificates, and notices affecting  
5 the liens have been filed or recorded on or before July 1,  
6 1970, shall, after that date, continue to maintain a file  
7 labeled "federal tax lien notices filed prior to July 1, 1970"  
8 containing notices and certificates filed in numerical order of  
9 receipt. If a notice of lien was filed or recorded on or before  
10 July 1, 1970, a certificate or notice affecting the lien shall  
11 be filed or recorded in the same office.

12 b. The original lien, certificate, or notice included in  
13 the file required to be maintained under paragraph "a" may  
14 be returned to the sender or disposed of by the recorder if  
15 the sender does not wish the instrument returned and if there  
16 is an official copy of the lien, certificate, or notice in  
17 the recorder's office or the lien, certificate, or notice is  
18 maintained in the recorder's office as an electronic document  
19 or is recorded, copied, or reproduced by any electronic,  
20 optical, magnetic, microfilm, or other method of storage.

21 6. a. Filing or recording officers with whom notices of  
22 federal tax liens, certificates, and notices affecting the  
23 liens have been filed or recorded after July 1, 1970, and  
24 before July 1, 1989, shall, after July 1, 1989, continue to  
25 maintain a file labeled "federal tax lien notices filed after  
26 July 1, 1970, and before July 1, 1989" containing notices and  
27 certificates filed or recorded in numerical order of receipt.  
28 If a notice of lien was filed or recorded on or after July  
29 1, 1970, and before July 1, 1989, a certificate or notice  
30 affecting the lien shall be filed or recorded in the same  
31 office.

32 b. The original lien, certificate, or notice included in  
33 the file required to be maintained under paragraph "a" may  
34 be returned to the sender or disposed of by the recorder if  
35 the sender does not wish the instrument returned and if there

1 is an official copy of the lien, certificate, or notice in  
2 the recorder's office or the lien, certificate, or notice is  
3 maintained in the recorder's office as an electronic document  
4 or is recorded, copied, or reproduced by any electronic,  
5 optical, magnetic, microfilm, or other method of storage.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with  
8 the explanation's substance by the members of the general assembly.

9 Code section 331.609 establishes the filing and recording  
10 requirements for notices of liens, certificates, and other  
11 notices affecting federal tax liens or other federal liens.  
12 Current law provides that filing or recording officers with  
13 whom notices of federal tax liens, certificates, and notices  
14 affecting the liens have been filed or recorded on or before  
15 July 1, 1970, and after July 1, 1970, but before July 1, 1989,  
16 shall, after such dates, continue to maintain specified files  
17 containing the notices and certificates.

18 This bill allows the original lien, certificate, or notice  
19 included in the file required to be maintained to be returned  
20 to the sender or disposed of by the recorder if the sender does  
21 not wish the instrument returned and if there is an official  
22 copy of the lien, certificate, or notice in the recorder's  
23 office or the lien, certificate, or notice is maintained in the  
24 recorder's office as an electronic document or is recorded,  
25 copied, or reproduced by any electronic, optical, magnetic,  
26 microfilm, or other method of storage.